

FOR LOSING STOKES'S LETTERS

THE FOUR ACCUSED POLICE- MEN ON THE CARPET.

Capt. Russell, Then Inspector, Testifies That He Ordered the Seizure of All Letters Bearing on the Shooting and That None Was Brought to Him.

The police trial of the four detectives who are charged by Deputy Commissioner Dillon with neglect of duty in letting a bundle of letters wanted as evidence in the Stokes shooting case disappear was begun yesterday at Headquarters with Deputy Commissioner McKay as trial judge and Deputy Dillon as special prosecutor. Two of the detectives, William F. Sullivan and Michael Walsh, are being tried on three charges: failure to carry out the order of their superior officer on June 7, making a false official statement and permitting unauthorized persons to enter the apartment where Stokes was shot. Patrolmen William J. M. Flynn and Thomas J. Devery of the detective bureau are tried on the first two charges only. George Gordon Battle appeared for the accused.

Lieut. Sullivan pleaded not guilty. Then Supt. Bloom of the Varuna apartments repeated the testimony he had given in the police court of the discovery of a pink ribboned bundle of letters by the detectives and their selection of some which they carried away. Sullivan said to Bloom, "You see that I am taking nothing but letters out of the room." Bloom said that Flynn and Devery were the men who had picked the letters out of the trunk.

Paul McMahon, an electrician employed in the Varuna apartments, testified that after the shooting and while the detectives were searching for the letters in the trunk he was standing in the doorway just inside. He said that he saw the detectives looking through the trunk, while Lieut. Sullivan stood by the piano. While McMahon was being cross-examined Detective Flynn jumped from his seat crying, "One minute. All I want is a square deal. Mr. Commissioner, but," pointing to where Bloom sat, "this man has nodded to answer 'yes' twice to this man," indicating McMahon. Detective Walsh jumped up and said the same. Commissioner McKay rapped for order and Bloom changed his seat.

Robert M. Moore, counsel for Lillian Graham and Ethel Conrad, the women who shot Stokes, testified that on the morning of June 9, two days after the shooting, he went to the Varuna to get a bundle of letters written by W. E. D. Stokes to Lillian Graham, who had told him they were in her trunk. He searched the trunk and in the tray found a bundle of letters tied with a red ribbon which he examined and found that none of the letters was written by Stokes. There were also some loose letters. He examined them all.

Commissioner McKay recalled Bloom, who said that when Mr. Moore had examined the letters he said "I guess the police have what I'm here for." Bloom replied that he guessed so.

Police Capt. John H. Russell, recently demoted as inspector in charge of the detective bureau, was called. In addition to the testimony he had given in the police court, he testified that he did not read any of the letters. If he did, they had no bearing on the case. He directed Sullivan to return the papers and letters to the Graham apartment.

Deputy Commissioner Dillon testified that he had a talk with Bloom last Sunday and Monday and that Bloom had told him that the detectives had taken the letters. He questioned Sullivan and the other officers and Sullivan said that he had instructions from Russell to search the apartment for all letters and papers found on the premises. Dillon asked Sullivan if he had found a certain package of letters, and Sullivan denied it. Sullivan said he had found some letters which he had taken down to Inspector Russell, who ordered him to return them.

The statement of Sullivan to Dillon was read. Sullivan said that on June 9 he met House Detective Cummings of the Ansonia at Broadway and Eightieth street by appointment. Cummings said that Bloom was a good fellow and that they might get some information from him. A Mr. Searing and A. H. Gleason met them in the house and they went up to see Bloom. Sullivan denied that Cummings had found a package of letters on this occasion, or that there was any package of letters bound by a pink ribbon or otherwise. When asked why it was necessary to see Bloom Sullivan had answered, "Mr. Gleason wanted to see Bloom."

"Were you working for Mr. Gleason, a private lawyer," said Commissioner Dillon, "for the city of New York and the District Attorney?"

The hearing will go on this morning.

FIRE STIRS IROQUOIS CLUB.

Deputy Commissioner Olvany and Clubmen Discover Blaze Near Door.

Deputy Fire Commissioner George Olvany and his clubmates sitting around the Iroquois Club, on West Fourteenth street late last night, smelled smoke. The Commissioner led the rest of the street band to the fourth floor of a loft building at 133 West Fourteenth street, next door to the club house, where a fire had broken out in the club house. Deputy Commissioner Olvany and the club members found the fire in the club house. Deputy Commissioner Olvany and the club members found the fire in the club house.

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FATAL AUTO UPSET.

Mrs. Morgan J. Goldsmith Loses Her Life in Accident in New Jersey.

CAPE MAY, N. J., July 13.—Mrs. Morgan J. Goldsmith, the wife of a teacher in Washington Irving High School, New York, was instantly killed and her husband and members of the families of John H. Judge and Mr. Goldsmith were injured this afternoon when the auto in which they were riding was overturned near Swainton in the effort of the driver to avoid running down two bicyclists.

The automobile party, which left the summer home of Mr. Judge, a New York lawyer with offices at 261 Broadway, on West Fleming avenue, Hollybeach, comprised Mr. and Mrs. Goldsmith, their two children, Morgan J., Jr., and Helen; Mrs. Judge, her son Victor and the chauffeur. They were going to Atlantic City to see the parade of the Elks.

On the State road near Swainton not far from Cape May the automobile swung around a curve at a good pace and the chauffeur saw two boys on bicycles approaching rapidly. The boys became confused and to avoid running them down he turned his machine into the ditch. The automobile turned over on its side and all the occupants were thrown to the ground some distance away from the tonneau.

Every one of the party except Mrs. Goldsmith arose more or less bruised and drenched, but when they examined Mrs. Goldsmith they found that she was unconscious and not breathing. A telephone message was sent from the nearest house, and Dr. Cohen and Dr. Beveridge of Wildwood hurried to the spot where the accident had occurred. They found that Mrs. Goldsmith was dead, her neck having been broken by the fall. Her body was taken to the Judge cottage at Hollybeach.

Of the others Mr. Goldsmith is the most seriously injured. He is suffering from shock and possible internal injuries. Dr. Beveridge is attending him.

Mr. Goldsmith's home is at 29 Clinton place, The Bronx. He is a brother of Mrs. Judge. The Judges' New York home is at 27 West Ninety-fourth street, near the piano.

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FENCING GIRL WANTS \$53,000

SUES JOSEPH G. BUTLER, JR., ON AN ALLEGED AGREEMENT.

Beatrice Brevaine Says She Abandoned a Claim Against a Third Person on the Promise of the President of the Bessemer Pig Iron Association to Pay.

A suit brought by Beatrice de Acosta of New York to recover \$53,000 from Joseph G. Butler, Jr., of Youngstown, Ohio, was before Supreme Court Justice Gavegan yesterday on a motion in which Charles A. Winter, counsel for the plaintiff, said that Reuben Leslie Maynard, attorney for Butler, had told him that if any publicity were given to the case it would cause a great scandal. Butler moved before Justice Gavegan for a bill of particulars, however, and the court granted the motion.

The complaint alleges that on or about April 28, 1910, Butler agreed with the plaintiff that if she would promise to abandon a certain claim or claims she alleged she had against a third person and would abandon a suit on one of the claims then pending and about to be claimed for trial the defendant would pay her the amount of the claim, \$53,000.

Relying on this promise, the plaintiff says, she abandoned the claim and when the case was called to trial she failed to appear and it was dismissed with costs against the plaintiff and judgment was entered accordingly. Now the defendant has refused to pay the \$53,000 or any part of it, the plaintiff says.

In his motion for a bill of particulars Butler not only wanted to know whether the alleged agreement was oral or written and where it was made but asked for the name of the "third person," and the nature of the claims against this person. Butler said in an affidavit that if any such agreement was made by him it was not to be performed within a year under its terms, and that neither the agreement nor any memorandum connected with it is in writing or subscribed by the defendant or his agent.

Lawyer Winter said in an affidavit that he served the complaint personally on Lawyer Maynard for Butler and that at that time Mr. Maynard asked if Mr. Winter knew the relations that had existed between the plaintiff and defendant. There was also some talk about photographs which one of the lawyers said were fictitious.

Joseph G. Butler, Jr., is president of the Bessemer Pig Iron Association, with his office at Youngstown, and is connected with many other corporations. Beatrice de Acosta is better known as Beatrice Brevaine, the "fencing girl." She has been married five times and her fifth husband is José Matteo de Acosta, to whom she was married last year. One of her husbands was Emilio Dreyfus, a face importer, who got a divorce in 1906. De Acosta disappeared last February and his wife had him arrested for non-support, but failed to appear against him in the Domestic Relations court. She said then that her husband had deserted her after a trip to Ohio.

Beatrice Brevaine was named as one of the correspondents in Mrs. Anna B. Youngstown, Ohio, July 13. Joseph G. Butler, Jr., is a personal friend of President Taft and it was he who persuaded Mr. Taft to make his closing Presidential speech in Youngstown. Mr. Butler is now in Brussels with W. Ellis Corey and a number of other Americans, who went abroad to attend the steel and iron congress.

He is one of the country's most widely known iron and steel manufacturers, being president of the Brier Hill Iron and Coal Company, president of the Bessemer Pig Iron Association and president of the Merchants Marine Association of the United States. Mr. Butler was the heaviest stockholder in the Union Iron and Steel Company, recently absorbed by the United States Steel Corporation.

He is one of the chief figures in the movement to buy Washington's ancestral home in England, is president of the Ohio Sons of the American Revolution and president of the Chamber of Commerce of Youngstown. He is 70 years old, is married, has two daughters and is a grandfather. None of his friends ever heard of Beatrice de Acosta.

U. S. "ADVISER" FOR CUBA.

Havana Press Looks for Some Sort of Intervention—Brigandage Again.

Special Cable Dispatch to THE SUN. HAVANA, July 13.—The impending visit of Secretary of War Stimson and Col. Crowder continues to occupy the editorial columns in the opposition papers, which declare gloatingly that the visit of the Americans is the most natural result of the Cuban Government's barefaced grafting. *El Dia* says that an economic intervention is impending in consequence of the protest of the British Government in behalf of Van Hornes, who objects to paying the "ports improvement tax" on machinery and railway and sugar mill material.

Triunfo, a Government organ, hysterically cries that Washington cannot intervene in Cuban affairs save in cases specified in the Platt amendment. *El Dia de la Marina* predicts the probable appointment of an American "adviser" to the Cuban President. The paper adds that Cuban governmental morality does not concern the Yankees so much as do vested interests.

There is much concern over the reappearance of Solis the bandit, who has long been idle. Yesterday he captured a wealthy cattleman of the name of Meyer with the intention of demanding a ransom. Meyer attempted to escape and was shot six times. He was left for dead, but will probably recover.

Meyer is a German subject and the German Minister will claim damages.

Four More Battleships at Provincetown.

PROVINCETOWN, Mass., July 13.—Four battleships of the second division of the North Atlantic squadron steamed into the harbor here to-day, finishing their long journey from across the Atlantic, where they visited Danish, Russian and German ports. First in line came the *Bagin* Louisiana, followed by the *South Carolina*, Kansas and New Hampshire.

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LIEUT. OZBURN A HEAT VICTIM?

Washington Officials Also Lay Ensign's Disappearance to Weather.

WASHINGTON, July 13.—The excessive heat of the last few weeks is believed by the naval authorities to have been primarily responsible for the disappearance of Ensign R. S. Young, Jr., of Concord, N. C., who was attached to the torpedo boat destroyer Perkins at the New York Navy Yard, and for the suicide ten days ago of Lieut. Thomas L. Ozburn of the cruiser Tacoma at the same yard.

Papers concerning both cases which have been forwarded to Washington by Rear Admiral E. H. C. Leutze, commandant of the New York yard, indicate that both officers had complained of having suffered greatly from the heat and each appeared to have resorted to the use of stimulants as a result.

Admiral Leutze telegraphed to the Department this afternoon expressing the belief that Young did not kill himself but had disappeared for the purpose of escaping trial.

At the request of Dr. R. S. Young of Concord, N. C., father of the missing Ensign, Senator Overman of that State called at the Navy Department this afternoon and was informed by acting Secretary Cummings of the facts so far as they are known. Senator Overman appointed Young to the Naval Academy and has known him all his life. He declared his belief that Young was not a suicide and was surprised to find that he was to face a court-martial, declaring he had always been of the most exemplary habits. On the theory of non-suicide the navy yard basin and slips will not be dredged for a few days at least.

FRANCE AND SPAIN NEAR CLASH.

Spain Sends More Troops to Morocco and Takes a High Hand U. S. Out of It.

Special Cable Dispatches to THE SUN. TANGIER, July 13.—It is reported that the Spanish transport Carlos V. has landed 500 additional troops and six guns at Larache, where she landed 700 on a previous day. There is no reason here because of Spain's increasing activity.

MADRID, July 13.—The *Imparcial*'s correspondent at El Ksar informs his paper that the situation there is growing more critical daily. The actions of the French and Spanish officers threaten serious conflict. The arrival of large reinforcements of French cavalry and infantry and their suspicious maneuvers have induced Gen. Silvestre in command of the Spanish troops, to forbid the French to cross the river.

The Spaniards have occupied new positions, where they have posted guns. Premier Canalejas told the newspaper men to-day that the French newspapers were exaggerating the incidents at El Ksar with a view to making Spain's position more difficult.

LOS ANGELES, July 13.—Replying to a question in the House of Commons this afternoon Sir Edward Grey, the Foreign Secretary, said there was no official information to show that the United States had made representations to Germany in reference to the occupation of Agadir, Morocco, by that country on the ground that a naval base on the Atlantic coast would be prejudicial to the Panama Canal.

BERLIN, July 13.—The gunboat Panther, which was at Agadir, has left Ténériffe bound for home. She is replaced by her sister ship the *Eber* for postal and telegraphic work. The *Eber* will also replace the Berlin temporarily when that vessel may be compelled to leave Agadir for coal.

SIGNS LEVY ELECTIONS BILL.

Gov. Dix Makes Law the Personal Registry of Up-State Voters.

ALBANY, July 13.—Gov. Dix to-day signed Assemblyman Aaron J. Levy's bill embracing the election law amendments favored by the Democratic State organization. Hereafter instead of a single Superintendent of Elections there will be three Superintendents of Elections, to be appointed by Gov. Dix a salary of \$5,000 each, with concurrent jurisdiction. Apparently one superintendent will operate in the New York city district, one in the up-State cities and one in the up-State rural districts.

Twenty-five additional deputies are provided for by the law at \$1,000 each. It is anticipated that the operation of the new law will place an additional expense of \$150,000 upon the State and \$140,000 upon the sixty-one counties of the State, or an increased total expense of \$290,000.

There is a Board of Elections now for New York city and hereafter each county will have a bipartisan board of elections. All of the restrictions heretofore placed upon the voter in New York city regarding his identification on registry day and election day are made to apply to the up-State voter, including the signature law.

It is provided that the name of a candidate shall not appear more than once upon the ballot and provision is made to prevent fake independent certificates of nomination, which have been frequent under the present law, especially in New York city.

Those who drew the bill declare that fusion is entirely possible under its provisions, but that an attempt has been made to prevent fusion movements by political takers.

CIGARETTE DID IT.

Set Auto Driver's Coat Afire and Three Were Hurt in Bump Against a Tree.

MORRISTOWN, N. J., July 13.—A cigarette caused an auto accident this afternoon on Speedwell avenue in which Buckley Evans, son of Dr. Britton D. Evans of the State hospital at Morris Plains; Gustav Stickley, son of Editor Stickley of the *Citizen*, and Louis Thibault, son of Edward A. Thibault of Mendham, were injured.

The three young men were speeding along the avenue when a cigarette Thibault was smoking dropped from his hand and set fire to his coat. Without stopping the machine young Thibault took his hands from the steering wheel and tried to beat out the fire. The car swerved from the road and ran into a tree. Evans and Stickley were thrown into the gutter and Thibault was pinned in the machine. Evans's head was cut open and his front teeth knocked out. Stickley got several deep gashes in his legs and his face was bruised. Thibault had a leg sprained. The machine was wrecked.

Evans and Stickley were taken to the State hospital, where their injuries were looked after. Thibault went home in another auto.

If your complaint is want of appetite, try table spoon glass ANGSTOLIA BITTERS before meals.

Black Hand Murder in Italy.

Special Cable Dispatch to THE SUN. SAN REMO, Italy, July 13.—Pietro Consentino, an immigration agent who is a resident of New York, was killed here to-day. It is believed that the murder was done by members of the Black Hand.

Melba Off to Australia.

Special Cable Dispatch to THE SUN. MELBOURNE, July 13.—Mme. Melba sailed to-day for Australia.

HYDE WINS EARLY TRIAL PLEA

JUSTICE McALL SENDS THE CASE TO GENERAL SESSIONS.

District Attorney, Who Wanted to Try the Ex-Chamberlain After the Trial of Cummins, Will Appeal From Justice McAll's Order to Appellate Division.

Justice McCall of the Supreme Court signed yesterday afternoon an order transferring from the Supreme Court to the General Sessions for trial the case of Charles H. Hyde, indicted in the Carnegie Trust Company matter, on the charge of taking a bribe. Justice Davis had denied a similar application.

The District Attorney opposed the application for a transfer, saying that his plans required the trial of W. J. Cummins before the trial of Hyde. He also argued that there was no precedent for the transfer of a case from the Supreme Court, Criminal Branch, to the General Sessions on motion of the defendant.

Hyde's argument was that a public officer indicted for a crime alleged to have been committed in his official capacity is entitled to an early trial and that if the programme of the prosecution were carried out he would not get it. Justice McCall holds that he is entitled to it.

The District Attorney will serve notice of appeal on the ground of lack of jurisdiction to make the order. The Appellate Division is not now sitting.

In the Supreme Court, Criminal Branch, the District Attorney often makes up the trial calendar. The General Sessions Judges have taken that matter into their own hands and if the Hyde case is eventually transferred to that court they can set the trial down for such date as seems good to them.

The indictment against Hyde was based on the allegation that he forced Robin's Northern Bank to lend \$100,000 to the Carnegie Trust Company, which loan was for the benefit of Cummins. The indictment assumes that the loan to Cummins, who was then in control of the trust company, was an illegal fee to Hyde. Loans that Hyde's secretary, John V. Smith, got from the Carnegie Trust Company are set up as showing that it was worth Hyde's while to put the company in funds.

MRS. M'KEE OUT \$300,000.

French Court Holds That Turk Isn't Responsible for Her Bonds.

Special Cable Dispatch to THE SUN. PARIS, July 13.—The courts have absolved Nedjib Melhame Pasha, who was sued by Mrs. Cornelia Baxter Tevis McKee for \$300,000 worth of bonds that she alleged she entrusted to him.

TWO BOYS SHOT IN CANOE.

W. A. Simonson's Son and Comrade Saved by Older Lad.

PORT JERVIS, N. Y., July 13.—Douglas Simonson, the fourteen-year-old son of William A. Simonson, one of the vice-presidents of the National City Bank and president of the Second National Bank of New York, and Wilbur Brown, 12 years old, son of Dr. Le Roy Brown of 148 West Seventy-seventh street, New York, were shot last night through the accidental discharge of a shotgun which they were handling. The charge struck Simonson in the left leg, tearing the flesh and splintering the bone. Brown got a part of the charge in the back. Neither boy is in a serious condition.

Both Mr. Simonson and Dr. Brown are members of the summer colony at Hartwood Park, Sullivan county, twelve miles from Port Jervis, where the shooting occurred. The families are occupying their cottages there, but Mr. Simonson and Dr. Brown themselves were in New York at the time. The two boys had gone out on the lake in a canoe with Lefal Brown, an older brother of Wilbur. Lefal took along the shotgun. The two younger boys were playing with this when it went off. They sank to the bottom of the canoe.

Lefal Brown paddled to the shore and laid the two boys down on the bank. Douglas Simonson's leg was bleeding freely. Lefal Brown made a tourniquet with a piece of rope which was in the canoe and applied it and then ran to the Hartwood Club and got help.

The injured boys were carried into the clubhouse and Dr. Gessner of Port Jervis was called for. He arrived half an hour later in his automobile.

Mr. Simonson and Dr. Brown reached the park last night in response to telegrams. Dr. Brown was in time to assist in removing shot from the back of his son and in caring for Douglas Simonson. The youngsters were taken to their homes at the park and to-night are said to be getting along well.

PEAVEY ASSETS IMPOUNDED.

Grain Concern Makes the Claims of All Creditors.

ST. PAUL, July 13.—Assets to the value of \$1,750,000 of F. H. Peavey & Co. of Minneapolis are in the hands of the Minneapolis Trust Company as a protection to the concern's creditors.

This action was announced to-day as voluntary on the part of the company by the committee composed of representatives of Minneapolis and Chicago banks and Eastern commercial paper houses.

The total indebtedness of F. H. Peavey & Co. is placed at \$2,000,000, of which \$750,000 is due to subsidiary concerns. Most of the remainder falls due August 1 or on demand. It was the settlement of these claims that the committee had been considering the last three days.

Although the company has sufficient assets to cover its indebtedness it faces the problem of raising \$2,120,000 should it wish to pay off all the indebtedness of the Peavey Grain Company and the parent concern. This it has accomplished by the sale of the Peavey Grain Company to assist in paying off its own debts. Instead of money came the new grain company was \$1,200,000 short.

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THE LIMIT OF MENTAL HEALING

No Cure by It of Organic Disease—Clerical Healing Depreciated.

Special Cable Dispatch to THE SUN. LONDON, July 13.—The British medical committee that for the last two years has been investigating spiritual healings has reported the substance of its conclusions. It finds that there is no practical difference between the so-called spiritual and other forms of mental or psychic faith healing in which mental suggestion is in every case the essential factor.

Although mental suggestion as practiced at some periods has been more fully explained than modern psychology and there is abundant evidence of its efficiency in many disorders, there is no evidence, however, of an authenticated cure of an organic disease and no evidence of a special gift for healing by so-called "spiritual healers."

The benefits of hypnotic suggestion are best obtainable from qualified therapists, who are capable of distinguishing conditions amenable thereto. Any formal cooperation of clergymen and physicians in the treating of disease, says the committee, is to be deprecated.

ETHEL BARRYMORE COMING.

Cancels Her Engagements on the Coast and Will Soon Be in New York.

SAN FRANCISCO, July 13.—Ethel Barrymore has cancelled her coast engagements and is going back to New York. "Nothing at all to say," is the only answer she makes to inquiries.

Miss Barrymore left to-day for Stockton. From there she will go to Sacramento, where she will play her last coast engagement on Saturday, and then start for New York. She was booked to appear in Portland, Spokane, Seattle and other Northwestern cities.

Friends of Miss Barrymore insist that she has only a slight misunderstanding with her husband, which has been much magnified.

AVIATOR FALLS INTO A CROWD.

Four Spectators at Flying Show in Holland Badly Hurt by Aeroplane.

AMSTERDAM, July 1